AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figures 1-4. These sheets, which include Figs. 1-4, replace the original sheets including Figs. 1-4. In Figures 1-4 labels have been provided. A new Figure 5 has been added.

Attachment: Replacement Sheets (Figures 1-4)
New Sheet (Figure 5)

REMARKS

The drawings have been objected to under 37 C.F.R. §1.83(a) on the grounds that they do not show certain features of the invention recited in the claims (paragraph 1) and that they do not include labels for certain boxes in Figures 1 through 4 (paragraph 3). In response to these grounds of objection, Applicants have submitted herewith replacement sheets containing new Figures 1 through 4, in which appropriate labels have been inserted into the respective blocks, consistently with the terminology contained in the specification. In addition, a new Figure 5 has been submitted, which shows the respective method steps referred to in paragraph 1 of the Office Action. Support for the material contained in Figure 5 is found throughout the specification, including in particular, page 7, lines 16-30, in which appropriate reference numerals referring to the steps in Figure 5 have been inserted. (See also, page 1, lines 18-20 and 27-30; page 2, lines 6-16 and 29-30; and page 8, lines 6-16.) Accordingly, reconsideration and withdrawal of these grounds of objection are respectfully requested.

Claims 1-10, 12-17, 19-21 and 23 have been rejected under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the written description requirement. In particular, the Office Action states that the specification fails to adequately describe or to originally support the first and second paragraphs in the body of Claim 1 relating to the wireless transmission and receipt of location

dependent data; the second paragraph in the body of Claim 5, which recites that the sensor provides information relating to environmental conditions; and the first paragraph in the body of Claim 8, which recites that the mobile telephone is carried in a vehicle. (Claim 8 does not recite that the mobile telephone is "carried by a passing user" as indicated in the Office Action, although Claim 1 does.)

In response to the foregoing grounds of rejection, Applicants note that each of the recited recitations in Claims 1, 5 and 8 is fully supported by the specification in a manner which would be sufficient to enable a person skilled in the art to make and use the invention, and to understand that the Applicants were in possession of the invention at the time when the application was filed.

In particular, the first and second paragraphs in the body of Claim 1 recite the following steps:

> "wirelessly transmitting location dependent data from an external data source;
>
> receiving the location dependent data in a mobile telephone which is in a standby mode and is carried by a passing user".

These limitations in Claim 1 are supported most directly in the specification at page 7, lines 16-21; page 8, lines 9-14 and page 9, lines 16-19. Additional support is found at page 2, lines 21 and 29-30 and page 3, line 3.

The second paragraph in the body of Claim 5 recites that the sensor provides information relating to environmental conditions in an immediate locality of the mobile telephone. This recitation is supported in the specification at page 2, lines 6 through 16; page 3, lines 11-13; page 4, lines 13-17 and 21-23; and page 8, lines 1 through 5, as well as in Figures 3 and 4.

Finally, the recitation in Claim 8 that the mobile telephone is carried in a vehicle is supported in the specification most directly at page 2, line 21, page 8, lines 12-13; and page 9, lines 16-18, as well as in Figures 1 through 4.

Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1-10, 12-17, 19-21 and 23 have been rejected under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the invention, based on the indicated lack of an antecedent basis for the phrase "the collected data" in Claim 1. In response to this ground of rejection, Applicants have amended Claim 1 to change the phrase "collected data" to "location dependent data", which is consistent with the recitation of "wireless transmitting

location dependent data" in the first paragraph. Applicants respectfully submit that this amendment is entitled to be entered and considered in that it does not raise a new issue which requires further consideration, does not alter the scope of the claims and does not require further search. Claim 1 contains only one use of the word "data" which is the "location dependent data" referred to in the preamble and in the first two paragraphs of the body of the claim. Moreover, it is apparent by reference to the history of Claim 1 that the word "collected" referred originally to the word "collecting" in the first paragraph of the body of Claim 1, which was used in conjunction with the location dependent data. Accordingly, this change does not alter the substance of Claim 1. Reconsideration and withdrawal of this ground of rejection is therefore respectfully requested.

Claims 1-4, 7-10 and 15-17 have been rejected under 35 U.S.C. §103(a) as unpatentable over Alewine et al in view of Tsukamoto et al, while Claims 5, 6 and 19-21 have been rejected under 35 U.S.C. §103(a) as unpatentable over the same two references and further in view of Grube et al and Claims 12-14 have been rejected over the same two references and further in view of Tracy et al. However, for the reasons set forth hereinafter, Applicants respectfully submit that all claims of record in this application distinguish over the cited references, whether considered separately or in combination.

The present invention is directed to a method for collecting location dependent data at a central collection point by using mobile telephones as a communications link between a local fixed location sensor and a central collection point. In particular, the mobile telephones in question need only be carried (for example, on board a vehicle) into the transmission range of a transmitter associated with the local sensor in order to receive the data locally. The mobile phone, which may belong to a person or entity that is unrelated to the party wishing to collect the data, sends the data to the mobile phone base station which in turn sends it to the central collection point. This arrangement thus provides a novel method of providing communication between dispersed data collection points at fixed locations and a central data collection point, which requires no new infrastructure apart from the central collection point itself where the data are finally recited, and a transmitter at the source to send the data. Claim 1, for example, recites that location dependent data are transmitted wirelessly from an external data source and received in a mobile telephone which is in a standby mode and is carried by a passing user. The data are then transmitted to a base station of the mobile telephone, and from there to the data collection point. These features of the invention are neither taught nor suggested by the cited references.

The Alewine et al reference, for example, discloses a method and system for monitoring traffic flows, which depend on tracking the location of mobile

communications devices, such as mobile (cellular) telephones carried in vehicles. Neither Alewine et al nor the other references, however, teach steps of wirelessly transmitting location dependent data from an external data source and receiving the location dependent data in a mobile telephone which is carried by a passing user. These steps are a significant part of the overall invention, which, as noted previously, provides a method of communicating between dispersed data collection points and a central data collection point without need of an elaborate infrastructure. In Alewine et al, on the other hand, the transmitted data consist of location information generated by the mobile units carried on board vehicles. Neither Alewine et al nor the other references suggests the dynamically changing communications network which takes advantage of the transient presence of mobile telephone units within a communication range of a data collection point, as recited in the claims of the present application.

The Office Action appears to overlook the distinction between transmitting and receiving location information, such that a recipient of the information is able to know the location of the transmitter on the one hand, and making use of a mobile phone to transmit data which is unrelated to the phone itself, or to the user, but is in fact "location dependent", on the other. That is, the data such as the temperature or flow data are not useful to the final recipient unless associated with a location (hence "location dependent"). However, the location of the phone unit itself is only tangentially relevant in that it conveys information

about the location at which the (for example) environmental data have been taken. As noted previously, this feature of the invention is included in Claim 1, which recites a step of wirelessly transmitting location dependent data from an external data source, such that it is received in a mobile telephone unit. There were be no utility in modifying the Alewine et al reference to incorporate such a feature, since the only information which is of interest there is the location of the transmitter itself. Nothing in Tsukamoto et al suggests such a modification or any motivation for such a modification.

Alewine et al requires users to install a GPS, and to transmit speed and position data to other users around them. It requires users to subscribe to one or both of data collection and data receipt. In the present invention, there is no need to have subscribers; the invention simply makes use of a mobile phone in a standby mode, which happens to come close enough to receive a wireless transmission of data.

Tsukamoto et al relates to a portable terminal which allows the user to be prompted if their schedule says they should be in a different location at a particular time (for example, for a meeting), or to switch to a silent mode if the scheduler deems that they are in a meeting. Data is transmitted to the user, for example, if a new meeting is arranged, so that their scheduler updates and provides suitable prompts, but this is data which is some way relates to the user.

The user has a portable device which is intended for the purpose of the users receiving data.

In the present invention, the mobile phone is not provided with the intention that for example, a utility company can send data to a central processing center. Rather, it is carried and used by the user for the benefit of the user. Any mobile phone which happens to be passing by will receive the transmitted data, as indicated at page 7, lines 20-21. Furthermore, the data types are different. In the present invention, the external data source is, for example, a source of measurement data, whereas in Alewine et al there is no external data source, and in Tsukamoto et al, the data are information such as time and place of a meeting, rather than measurement data, such as gas or electric meter readings or detected water levels, or water quality in a river.

Accordingly, for the reasons set forth hereinafter, Applicants respectfully submit that all claims which remain of record in this application distinguish over the cited references and are allowable.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 3036/50649).

Respectfully submitted,

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Attachments – Replacement Sheets (Figures 1-4)
New Sheet (Figure 5)
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